

Lockheed Martin Space Systems  
1111 Lockheed Martin Way  
Sunnyvale, CA 94089



November 11, 2010

**VIA FEDERAL EXPRESS**

Craig Whitenack, Civil Investigator  
United States Environmental Protection Agency  
Region IX, Southern California Field Office  
600 Wilshire Avenue, Suite 1420  
Los Angeles, California 90017

**Re: Lockheed Martin Corporation Section 104(e) Comprehensive  
Environmental Response, Compensation & Liability Act  
("CERCLA") Response to Information Request for the Yosemite  
Creek Superfund Site**

Mr. Whitenack,

This letter further responds to Lockheed Martin Corporation's January 7, 2010 response to the Environmental Protection Agency's ("EPA") Request for Information, dated October 15, 2009, issued pursuant to CERCLA section 104(e) in connection with the Yosemite Creek Superfund Site (the "Request" or "RFI"). The Request has been issued to the Lockheed Martin Corporation pursuant to EPA's February 21, 2008 General Notice of Potential Liability ("General Notice") to Lockheed Martin Corporation, as a potentially responsible party for the clean-up of the Yosemite Creek site (the "Site") through alleged release of certain substances from the up-gradient Bay Area Drum facility once located at 1212 Thomas Avenue, San Francisco, CA (the "BAD Site"). Lockheed Martin Missiles & Space Company was a potentially responsible party in the former Bay Area Drum clean-up action by the California Department of Toxic Substance Control ("DTSC") in the early 1990s. The Lockheed Martin Missiles & Space Company was located at 1111 Lockheed Martin Way, Sunnyvale, California ("Sunnyvale facility"). The Sunnyvale facility is operated today by Lockheed Martin Corporation, doing business as the Lockheed Martin Space Systems Company ("LMSSC").

In responding to the RFI, Lockheed Martin Corporation has undertaken a diligent and good faith search for, and review of, documents and information in its possession, custody or control and that are relevant to this matter.

**Summary of Available Information and Lockheed Martin Response**

During the early 1990s, DTSC conducted an extensive investigation of the BAD Site and Lockheed Martin's connection with the BAD Site. Lockheed Martin understands that EPA is already in possession of DTSC's files regarding the BAD Site, and to the extent that EPA is not in possession of these files, they are readily available to EPA from DTSC. In providing its response to the Request, Lockheed Martin has relied extensively on records obtained in or about 1992 from the DTSC in connection with the BAD Site and the Bay Area Drum clean-up. These documents are anywhere from 25 to 29 years old and are the only documentation of any Lockheed Martin activity connected to the BAD Site. Lockheed Martin has not identified additional documents related to the BAD Site or the Site. The full extent of the documents obtained from DTSC is attached as Exhibit A.

Lockheed Martin Corporation's only known connection with the BAD Site or the Site is through the sale of empty drums from its Sunnyvale facility for a limited period of time from 1980 to 1984. All records of these sales transactions are provided in Exhibit A. Records of such sales would be, as seen in Exhibit A, in the form of scrap sales documents, routinely retained by LMSC for six or seven years after their use in the early 1980s.

In providing this Response to EPA, Lockheed Martin has also interviewed current employees who worked in the Environmental, Safety & Health department in 1992 and current employees who worked in the reclamation yard in the early 1980s from which empty drums would have been sold to Bay Area Drum. Lockheed Martin's Sunnyvale facility does not appear to have any other connection with the BAD Site. The BAD Site was closed in 1987 (see, Exhibit H, DTSC Fact Sheet).

Because the events related to the BAD Site occurred in the early 1980s and LMSC's relationship with the BAD Site consisted of the sale of empty drums, Lockheed Martin has no documents from the relevant time period that otherwise pertain to Bay Area Drum. Documents for sales transactions to Bay Area Drum are simply not retained beyond six or seven years. No documents related to the BAD Site were found at LMSC during the DTSC clean-up action in the 1990s, and none can be found in 2009-2010.

Lockheed Martin, however, has retained its Material Safety Data Sheets and waste manifests from the relevant time period during which the BAD Site was in operation. Exhibit D is a waste manifest log from 1984 to early 1988 which summarizes the manifest documents from the same time period. Consistent with the findings in the DTSC matter, Lockheed Martin did not provide substances of interest (SOI) or chemicals of concern (COC) or any wastes whatsoever to the BAD Site. The documentation attached to this response is intended to inform EPA about operations at the Sunnyvale facility during the relevant time period of BAD Site operation.

Lockheed Martin will supplement its Responses if, during the pendency of the EPA's General Notice, additional, relevant information responsive to the Request is obtained by Lockheed Martin.

### **Objections**

The EPA's General Notice clearly pertains to a site at Yosemite Creek in San Francisco, California (i.e., the Site) and the nearby BAD Site. Lockheed Martin objects to the Request because it is overbroad and seeks in large part information that post-dates the 1987 operation of the BAD Site, and information irrelevant to the Site or alleged contamination at the Site. For example, while we understand the basis of the purported connection between the former BAD Site, certain RFI questions seek information regarding facilities other than the BAD Site, including *all* facilities in California and *all* facilities outside California that shipped drums or other containers to *any* location in the entire state of California. These other facilities throughout California and the United States have no nexus to either the Site or BAD Site. Such questions are not relevant to the Site or BAD Site.

1. Lockheed Martin asserts all privileges and protections it has in regard to the documents and other information sought by EPA, including the attorney-client privilege, the attorney work product doctrine, the confidential business information and trade secret protections, and any other privilege or protection available to it under law.
2. Lockheed Martin Corporation objects to Instructions 4 and 6, and Definition 3 in that they purport to require Lockheed Martin to undertake to identify, seek and collect information and documents in the possession, custody or control of third-parties.
3. Lockheed Martin Corporation objects to the RFI's definition of "Facility" or "Facilities" in Definition 4 because the terms are overbroad to the extent that they extend to facilities with no connection to either the Site or the BAD Site. Moreover, the term "Facilities" as defined in the RFI is confusing and unintelligible as the term is defined as having separate meanings in Definition 4 and Request No. 3.
4. Lockheed Martin Corporation objects to the definition of "identify" in Definition 7 to the extent that the definition encompasses home addresses of natural persons. Subject to this objection, current Lockheed Martin employees and any other natural persons are identified by name and corporate address. Lockheed Martin requests that any contacts with Lockheed Martin employees identified in these responses or the related documents be initiated through in-house counsel for Lockheed Martin: Greg Correnti, 1111 Lockheed Martin Way, M/S 12-1S, B-157, Sunnyvale, California 94089; (408) 756-7727.

5. Lockheed Martin Corporation objects to the definition of "you," "Respondent," "the company," "your," and "your company" in Definition 14 because the terms are overbroad and it is not possible for Lockheed Martin to answer questions on behalf of all the persons and entities identified therein.

Notwithstanding this objection, and without waiving it, Lockheed Martin Corporation has undertaken a diligent and good faith effort to locate and furnish documents and information in its possession, custody, and control that are responsive to the RFI.

6. Lockheed Martin Corporation objects to EPA's requests that Lockheed Martin provide EPA separately information that is contained in documents being furnished by Lockheed Martin in response to the RFI. Where documents have been provided in connection with a response, information sought by EPA in the corresponding request for information that is set forth in those documents is not furnished separately. To do otherwise would be unduly burdensome.

Each response herein is provided subject to these objections.

#### **Responses**

##### **Request 1:**

*Describe generally the nature of the business conducted by Respondent and identify the products manufactured, formulated, or prepared by Respondent throughout the history of its operations.*

##### **Response 1:**

Subject to the foregoing objections, Lockheed Martin Corporation's Sunnyvale facility is the only facility known to have had a nexus with the BAD Site or the Bay Area Drum business entity. Lockheed Martin and its predecessors in interest have been at its 1111 Lockheed Martin Way, Sunnyvale, California location since 1956. Operations from 1956 to present have consisted of the design and manufacture of aerospace and defense products. These products have included the Poseidon and Trident missiles and military and commercial space satellites.

##### **Request 2:**

*Provide the name (or other identifier) and address of any facilities where Respondent carried out operation between 1940 and 1988 (the "Relevant Time Period") and that:*

- a. ever shipped drums or other containers to the BAD Site for recycling, cleaning, reuse, disposal or sale,*
- b. Are/were located in California (excluding locations where ONLY clerical/office work was performed);*
- c. outside of California and shipped any drums or other containers to California for recycling, cleaning, reuse, disposal, or sale (for drums and containers that were shipped to California for sale, include in your response only transactions where the drums and containers themselves were an object of the*

*sale, not transactions where the sole object of the sale was useful product contained in a drum or other container).*

**Response 2:**

Subject to the foregoing objections, the Sunnyvale facility is the only Lockheed Martin Corporation operation known to have had a nexus with the BAD Site or Site. The Sunnyvale facility conducted the sale of empty 55-gallon drums to Bay Area Drum from the facility, located at 1111 Lockheed Martin Way, Sunnyvale, California. Lockheed Martin has not identified any shipment of waste materials to the BAD Site. Lockheed Martin has never had facilities in the basin around the Yosemite Creek Site.

**Request 3:**

*Provide a brief description of the nature of Respondent's operations at each Facility identified in your response to Question 2 (the "Facilities") including:*

- a. the date such operations commenced and concluded; and*
- b. the types of work performed at each location over time, including but not limited to the industrial, chemical, or institutional processes undertaken at each location.*

**Response 3:**

Subject to the foregoing objections, based on the documents obtained by Lockheed Martin from DTSC in or about 1992, the sale of empty drums by LMSC to Bay Area Drum appear to have occurred from May 1980 to October 1984.

Prior to 1956, the site of the Sunnyvale facility was occupied by a farm. The first Lockheed Martin building construction began in 1956 and manufacturing operations began in 1958. By 1963 most of the Sunnyvale manufacturing facilities were in place. The facility has been used for the manufacture of commercial and military missiles and satellites from 1958 to the present.

Industrial operations at the Lockheed Martin Sunnyvale facility have included the following:

- Metal milling and machining
- Degreasing
- Anodizing
- Plating
- Etching
- Welding
- Painting

- Research
- Testing
- Assembly

[See, Exhibit C – “Environmental Priorities Initiative Preliminary Assessment”, Ecology and Environment for EPA, December 31, 1990; Exhibit F – building layout drawings, December 1987.]

Request 4:

*For each Facility, describe the types of records regarding the storage, production, purchasing, and use of Substances of Interest (“SOI”) during the Relevant Time Period that still exist and the periods of time covered by each type of record.*

Response 4:

Subject to the foregoing objections, the documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain SOIs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin Corporation to the BAD Site.

Lockheed Martin determined to the best it could in 1992 that the empty drums once contained virgin lubrication oil. It is believed this lubrication oil was used for metal work milling machines (computer numerical controlled machines, i.e., CNC machines).

None of the substances of interest (SOI) were ever “produced” at the Sunnyvale facility. Existing records that might contain information related to the storage, purchase and use of SOIs at the Sunnyvale facility include the following:

- “Environmental Priorities Initiative Preliminary Assessment” (1958 to 1990) [Exhibit C]
- Hazardous Waste Manifest Log (4-11-1984 to 2-16-1988) [Exhibit D]
- Hazardous Waste Manifests on file at the Sunnyvale facility
- Hazardous Waste Operating Procedures Manual (1988) [Exhibit E]
- Material Safety Data Sheets on file at the Sunnyvale facility

Request 5:

*Did Respondents ever (not just during the Relevant Time Period) produce, purchase, use, or store one of the COCs (including any substances or wastes containing COCs) at any of the Facilities? State the factual basis for your response.*

Response 5:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain COCs. There is no information to indicate that any COCs were ever sent by LMSC to the BAD Site.

None of the chemicals of concern (COC) were ever "produced" at the Sunnyvale facility. Based on information contained in Exhibit C and interviews with current employees, products with lead-, zinc- and mercury-based compounds were stored and used at the Sunnyvale facility. In addition, transformers and capacitors containing PCB oil had been present at the facility until 1986.

Request 6:

*If the answer to Question 5 is yes, identify each COC product, purchased, used, or stored at each Facility.*

Response 6:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. None of the chemicals of concern (COC) were ever "produced" at the Sunnyvale facility. No purchase order records from the relevant time period were found to identify specific products that may have contained COCs that might have been stored and used at the Sunnyvale facility. LMSC routinely retained purchase order records for no more than six or seven years after their use. The identification of COCs used at the Sunnyvale facility during the relevant time period is based on interviews with current employees and the Exhibit C, "Environmental Priorities Initiative Preliminary Assessment", Ecology and Environment for U.S. EPA, December 31, 1990.

Request 7:

*If the answer to Question 5 is yes, identify the time period during which each COC was produced, purchased, used, or stored at each Facility.*

Response 7:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. None of the chemicals of concern (COC) were ever "produced" at the Sunnyvale facility. No purchase order records from the relevant time period were found to identify the time period during which specific products that may have contained COCs might have been stored and used at the Sunnyvale facility. LMSC routinely retained purchase order records for no more than six or seven years after their use. The identification of COCs used at the Sunnyvale facility during the relevant time period is based on the Exhibit C, "Environmental Priorities Initiative Preliminary Assessment", Ecology and Environment for U.S. EPA, December 31, 1990. Further,

based on employee interviews, it is reasonable to believe that lead-, zinc-, and mercury-containing compounds would have been purchased, stored and used at the Sunnyvale facility from 1958 through the present and that transformers and capacitors containing PCB oil had been present at the facility from 1958 until 1986.

**Request 8:**

*If the answer to Question 5 is yes, identify the average annual quantity of each COC produced, purchased, used, or stored at each Facility.*

**Response 8:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. None of the chemicals of concern (COC) were ever "produced" at the Sunnyvale facility. No purchase order records from the relevant time period were found to identify the average annual quantities of specific products that may have contained COCs, which might have been stored and used at the Sunnyvale facility. LMSC routinely retained purchase order records for no more than six or seven years after their use. The identification of COCs used at the Sunnyvale facility during the relevant time period is based on interviews with current employees and the Exhibit C, "Environmental Priorities Initiative Preliminary Assessment", Ecology and Environment for U.S. EPA, December 31, 1990.

**Request 9:**

*If the answer to Question 5 is yes, identify the volume of each COC disposed by the Facility annually and describe the method and location of disposal.*

**Response 9:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain COCs. There is no information to indicate that any COCs were ever sent by Lockheed Martin to the BAD Site.

Based on information contained in Exhibits D and E, there is no record of any wastes having been shipped from the Lockheed Martin Sunnyvale facility to the BAD Site. Waste shipped from the Sunnyvale facility for off-site disposal during the relevant time period used transporters and disposers indicated in Exhibits D and E, and include:

- IT Corp. – Acids, Bases, Cyanides, Lab Packs, Oil with PCB
- Baron Blakslee – Recyclable Chlorinated Solvents
- California Solvent Recyclers – Solvents for Recycling and Incineration



- Mikey Corp. – Silver Solutions for Recycling
- California Oil Recyclers – Oil for Recycling
- ENSCO – Oil with PCB

**Request 10:**

*Did Respondent ever (not just during the Relevant Time Period) produce, purchase, use, or store hydraulic oil or transformer oil at any of the Facilities? State the factual basis for your response to this question.*

**Response 10:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain hydraulic oil or transformer oil. There is no information to indicate that any hydraulic oil or transformer oil was ever sent by Lockheed Martin to the BAD Site.

Hydraulic or transformer oil was never “produced” at the Sunnyvale facility. Based on information contained in Exhibits D and E and information from former and current employees, hydraulic oil was purchased, used and stored at the Sunnyvale facility. PCB containing transformers and capacitors were present at the Sunnyvale facility until 1986.

**Request 11:**

*If the answer to Question 10 is yes, identify each specific type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

**Response 11:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Hydraulic or transformer oil was never “produced” at the Sunnyvale facility. No purchase order records were found to identify specific types of hydraulic oil or transformer oil stored and used at the Sunnyvale facility during the relevant time period. LMSC routinely retained purchase order records for no more than six or seven years after their use.

**Request 12:**

*If the answer to Question 10 is yes, identify the time period during which each type of hydraulic oil and transformer oil was produced, purchased, used, or stored at each Facility.*

**Response 12:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Hydraulic or transformer oil was never "produced" at the Sunnyvale facility. No purchase order records from the relevant time period were found. LMSC routinely retained purchase order records for no more than six or seven years after their use. The identification of use of hydraulic and transformer oil stored and used at the Sunnyvale facility throughout the relevant time period is based on interviews with current employees and the Exhibit C, "Environmental Priorities Initiative Preliminary Assessment", Ecology and Environment for U.S. EPA, December 31, 1990. Based on employee interviews, it is reasonable to believe that hydraulic oils were purchased, stored and used at the Sunnyvale facility from 1958 to the present and that transformers and capacitors containing PCB oil had been present at the facility from 1958 until 1986.

Request 13:

*If the answer to Question 10 is yes, identify the average annual quantity of each type of hydraulic oil and transformer oil produced, purchased, used, or stored at each Facility.*

Response 13:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Hydraulic or transformer oil was never "produced" at the Sunnyvale facility. No purchase order records from the relevant time period were found to identify the average annual quantities of hydraulic or transformer oils stored and used at the Sunnyvale facility. LMSC routinely retained purchase order records for no more than six or seven years after their use. Lockheed Martin cannot determine quantities of transformer oil used in transformers from 1958 to 1986.

Request 14:

*If the answer to Question 10 is yes, identify the volume of each type of hydraulic oil and transformer oil disposed by the Facility annually and describe the method and location of disposal.*

Response 14:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain hydraulic oils or transformer oil. There is no information to indicate that any hydraulic oils or transformer oil were ever sent by Lockheed Martin to the BAD Site.

Based on information contained in Exhibits D and E, there is no record of any wastes having been shipped from the Lockheed Martin Sunnyvale facility to the BAD Site. Waste hydraulic oils and transformers and capacitors shipped from the Lockheed Martin Sunnyvale facility for off-site disposal during the relevant time period used transporters and disposers indicated in Exhibits D and E, and include:

- IT Corp. – Acids, Bases, Cyanides, Lab Packs, Oil with PCB
- Baron Blakslee – Recyclable Chlorinated Solvents
- California Solvent Recyclers – Solvents for Recycling and Incineration
- Mikey Corp. – Silver Solutions for Recycling
- California Oil Recyclers – Oil for Recycling
- ENSCO – Oil with PCB

**Request 15:**

*Provide the following information for each SOI (SOIs include any substance or waste containing the SOI) identified in your response to Question 5 and 10:*

- a. *Describe briefly the purpose for which each SOI was used and the time period for each use;*
- b. *Identify the supplier(s) of the SOIs and the time period during which they supplier the SOIs, and provide copies of all contracts, service orders, shipping manifests, invoices, receipts, canceled checks and other documents pertaining to the procurement of the SOI;*
- c. *State whether the SOIs were delivered to the Facility in bulk or in closed containers, and describe any changes in the method of delivery over time;*
- d. *Describe how, where, when, and by whom the containers used to store the SOIs (or in which the SOIs were purchased) were cleaned, removed from the Facility, and/or disposed of, and describe any changes in cleaning, removal, or disposal practices over time.*

**Response 15:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain SOIs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin to the BAD Site.

- (a) Based on information contained in Exhibit C and interviews with current employees, products with lead-, zinc- and mercury-based compounds and hydraulic and PCB oils were stored and used at the Sunnyvale facility during the relevant time period.

- Lead was used in plating chemicals, solder, paint, and metal parts
  - Zinc was used in plating chemicals, galvanizing, and metal parts
  - Mercury was used in switches and lab instruments
  - Hydraulic oils were used for milling and forming parts (there have been no hot metal operations at the Sunnyvale facility)
  - PCB oils were contained in transformers and capacitors.
- (b) No purchase order records from the relevant time period were found to identify specific products that may have contained SOIs that might have been stored and used at the Sunnyvale facility. LMSC routinely retained purchase order records for no more than six or seven years after their use. The identification of SOIs used at the Sunnyvale facility during the relevant time period is based on employee interviews and the Exhibit C, "Environmental Priorities Initiative Preliminary Assessment", Ecology and Environment for U.S. EPA, December 31, 1990.
- (c) It is unknown how SOIs would have been containerized/delivered to the Sunnyvale facility over the relevant time period.
- (d) As explained in its Exhibit A response number 6 to the Department of Toxic Substance Control, dated July 17, 1992, Lockheed Martin's standard practice was to pump out oil from drums to be sent to the BAD Site, turn the drums upside down on a sloped concrete pad overnight and drain until empty. Lockheed Martin does not have information on how other containers were handled prior to disposal during the relevant time period.

**Request 16:**

*For each SOI delivered to the Facilities in closed containers, describe the containers, including but not limited to:*

- a. *the type of container (e.g. 55 gal. drum, tote, etc.);*
- b. *whether the containers were new or used; and*
- c. *if the containers were used, a description of the prior use of the container.*

**Response 16:**

No purchase order records were found for the relevant time period. LMSC routinely retained purchase order records for no more than six or seven years after their use. It is unknown how SOIs would have been delivered to the Sunnyvale facility over the relevant time period. Typically, SOIs would have been in new containers supplied by the manufacturer.

**Request 17:**

*For each container that Respondent used to store a SOI or in which SOIs were purchased ("Substance-Holding Containers" or "SHCs") that was later removed from the Facility, provide a complete description of where the SHCs were sent and the circumstances under*

*which SHCs were removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practice over time.*

**Response 17:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain any SOIs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin to the BAD Site. The DTSC documents indicate that LMSC sold empty drums to Bay Area Drum from May 1980 to October 1984.

Based on information contained in Exhibits D and E, there is no record of any wastes having been sent from the Lockheed Martin Sunnyvale facility to the BAD Site. Waste shipped from the Sunnyvale facility for off-site disposal during the relevant time period used transporters and disposers indicated in Exhibits D and E include:

- IT Corp. – Acids, Bases, Cyanides, Oil with PCB
- Baron Blakslee – Recyclable Chlorinated Solvents
- California Solvent Recyclers – Solvents for Recycling and Incineration
- Mikey Corp. – Silver Solutions for Recycling
- California Oil Recyclers – Oil for Recycling
- ENSCO – Oil with PCB

**Request 18:**

*For each SHC that was removed from the Facility, describe Respondent's contracts, agreements, or other arrangements under which SHCs were removed from the Facility, and identify all parties to each contract, agreement, or other arrangement described. Distinguish between the Relevant Time Period and the period since 1988.*

**Response 18:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain SOIs and were not SHCs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin to the BAD Site.

Contracts, agreements, or other arrangements for removal of SHCs from the Sunnyvale facility during the relevant time period were not found. LMSC routinely retained purchase order records for no more than six or seven years after their use.

Request 19:

*For each SHC, provide a complete explanation regarding the ownership of the SHC prior to delivery, while onsite, and after it was removed from the Facility. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practice over time.*

Response 19:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain SOIs and were not SHCs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin to the BAD Site.

Contracts, agreements, or other arrangements for removal of SHCs from the Sunnyvale facility during the relevant time period were not found. LMSC routinely retained purchase order records for no more than six or seven years after their use.

Request 20:

*Identify all individuals who currently have, and those who have had, responsibility for procurement of Materials at the Facilities. Also provide each individual's job title, duties, dates performing those duties, current position or the date of the individual's resignation, and the nature of the information possessed by each individual concerning Respondent's procurement of Materials.*

Response 20:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Based on the documents obtained by Lockheed Martin from DTSC in or about 1992, the sale of empty drums by LMSC to Bay Area Drum appear to have occurred from May 1980 to October 1984. No SOIs were sent to the BAD Site. None of the employees identified from the 1980 to 1984 documents (Exh.A) work any longer for Lockheed Martin. After a diligent search, Lockheed Martin cannot identify any current employees familiar with the sale of the empty drums to Bay Area Drum.

Request 21:

*Describe how each type of waste containing any SOIs was collected and stored at the Facilities prior to disposal/recycling/sale/transport, including:*

- a. the type of container in which each type of waste was placed/stored;*
- b. how frequently each type of waste was removed from the Facility;*

*Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

Response 21:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Based on the documents obtained by Lockheed Martin from DTSC in or about 1992, the sale of empty drums by LMSC to Bay Area Drum appear to have occurred from May 1980 to October 1984. The BAD Site was closed in 1987. There are no employees familiar with the details on movement of waste from the Sunnyvale facility during the relevant time period. The waste manifest log from April 1984 to February 1988 is attached as Exhibit D.

Exhibits C and E provide the process by which, during the relevant time period, waste SOIs were collected and removed from the Sunnyvale facility. Waste was contained in closed drums, bins, roll-offs and tanks. PCBs were contained in transformers.

Request 22:

*Describe the containers used to remove each type of waste containing any SOIs from the Facilities, including but not limited to:*

- a. the type of container (e.g. 55 gal. drum, dumpster, etc.);*
- b. the colors of the containers;*
- c. any distinctive stripes or other markings on those containers;*
- d. any labels or writing on those containers (including the content of those labels);*
- e. whether those containers were new or used; and*
- f. if those containers were used, a description of the prior use of the container;*

*Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

Response 22:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Based on the documents obtained by Lockheed Martin from DTSC in or about 1992, the sale of empty drums by LMSC to Bay Area Drum appear to have occurred from May 1980 to October 1984. The BAD Site was closed in 1987. There are no employees familiar with the details on movement of waste from the Sunnyvale facility during the relevant time period. The waste manifest log from April 1984 to February 1988 is attached as Exhibit D.

Exhibits C and E provide the process by which, during the relevant time period, waste SOIs were collected and removed from the Sunnyvale facility. Waste was contained in closed drums, bins, roll-offs and tanks. PCBs were contained in transformers.

**Request 23:**

*For each type of waste generated at the Facilities that contained any of the SOIs, describe Respondent's contracts, agreements, or other arrangements for its disposal, treatment, or recycling and identify all parties to each contract, agreement, or other arrangement described. State the ownership of waste containers as specified under each contract, agreement, or other arrangement described and the ultimate destination or use for such containers. Distinguish between the Relevant Time Period and the time period since 1988, and describe any changes in Respondent's practices over time.*

**Response 23:**

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. The documents obtained by Lockheed Martin from DTSC in or about 1992 indicate that the drums sold to Bay Area Drum were empty and therefore did not contain SOIs. There is no information to indicate that any SOIs were ever sent by Lockheed Martin to the BAD Site.

Contracts, agreements, or other arrangements for removal of SOIs from the Sunnyvale facility during the relevant time period were not found. LMSC routinely retained purchase order records for no more than six or seven years after their use.

Based on information contained in Exhibits D and E, there is no record of any wastes having been sent from the Lockheed Martin Sunnyvale facility to the BAD Site. Waste shipped from the Sunnyvale facility for off-site disposal during the relevant time period used transporters and disposers indicated in Exhibits D and E include:

- IT Corp. – Acids, Bases, Cyanides, Lab Packs, Oil with PCB
- Baron Blakslee – Recyclable Chlorinated Solvents
- California Solvent Recyclers – Solvents for Recycling and Incineration
- Mikey Corp. – Silver Solutions for Recycling
- California Oil Recyclers – Oil for Recycling
- ENSCO – Oil with PCB

**Request 24:**

*Identify all individuals who currently have, and those who have had, responsibility for Respondent's environmental matters (including responsibility for the disposal, treatment, storage, recycling, or sale of Respondent's wastes and SHCs). Provide the job titles, duties, dates performing those duties, supervisors for those duties, current position or the date of the individual's resignation, and the nature of the information possessed by such individuals concerning Respondent's waste management.*



Response 24:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Based on the documents obtained by Lockheed Martin from DTSC in or about 1992, the sale of empty drums by LMSC to Bay Area Drum appear to have occurred from May 1980 to October 1984. The BAD Site was closed in or about the late 1980s. There are no employees familiar with the details on movement of waste from the relevant time period.. Employees generally aware of the removal of wastes containing SOIs from the Sunnyvale facility during the relevant time period are Kirk Willard, Jim Seaver, Dirk Decker and Jim Sanchez. Messrs. Willard, Seaver, Decker and Sanchez can be contacted through LMSSC by contacting Greg Correnti in the Legal Department at 408-756-7727.

Request 25:

*Did Respondent ever purchase drums or other containers from a drum recycler or drum reconditioner? If yes, identify the entities or individuals from which Respondent acquired such drums or containers.*

Response 25:

Subject to the foregoing objections, Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. Based on the documents obtained by Lockheed Martin from DTSC in or about 1992, LMSC is the only Lockheed Martin Corporation entity known to have had a nexus with the BAD Site or Site. LMSC conducted the sale of empty 55-gallon drums to Bay Area Drum from LMSC's Sunnyvale location. There is no information to indicate that Lockheed Martin purchased drums from Bay Area Drum or the BAD Site.

It has been the practice of the Sunnyvale facility to purchase drums for the disposal of waste containing SOIs. However, there are no purchase order records indicating the purchase of drums or other containers from a drum recycler or drum reconditioner during the relevant time period. LMSC routinely retained purchase order records for no more than six or seven years after their use.

Request 26:

*Prior to 1988, did Respondent always keep its waste streams that contained SOIs separate from its other waste streams?*

Response 26:

Subject to the foregoing objections, during the relevant time period, plating line waste streams containing SOIs would have been separate from hydraulic oils. Waste from PCB-containing transformers and capacitors present at the Sunnyvale facility would have been contained closed drums prior to disposal. This information is based on current employees who do not have the specific details on waste streams from the relevant time period.

Request 27:

*Identify all removal and remedial actions conducted pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, 42 U.S.C. § 9601 et seq., or comparable state law; all corrective actions conducted pursuant to the Resources Conservation and Recovery Act, 42 U.S.C. § 9601 et seq.; and all cleanups conducted pursuant to the Toxic Substances Control Act, 15 U.S.C. § 2601 et seq. where (a) one of the COCs was addressed by the cleanup and (b) at which Respondent paid a portion of cleanup costs or performed work. Provide copies of all correspondence between Respondent and any federal or state government agency that (a) identifies a COC and (b) is related to one of the above-mentioned sites.*

Response to 27:

SOIs were not sent by Lockheed Martin to the BAD Site. Lockheed Martin further objects to this response on the grounds that it is irrelevant, overbroad and unduly burdensome. LMSC participated as a potentially responsible party ("PRP") in the clean-up of the BAD Site. Allocation of responsibility among PRPs was based on drum counts with operators of BAD. After adjustments for the buy-out of certain "de minimis parties" and based on LMSC's empty drums, Lockheed Martin was apportioned approximately 3% of clean-up costs of the BAD Site. Documents related to the DTSC clean-up of the BAD Site should reside with the DTSC. Attached as Exhibit G is correspondence between Lockheed Martin and DTSC on the BAD Site clean-up matter.

Lorentz Barrel & Drum:

The Lockheed Martin Sunnyvale facility also participated as a PRP in the Lorentz Barrel & Drum Co. EPA clean-up site in San Jose, California. Lockheed Martin Sunnyvale sent these drums of the following time periods: 1959-1964, 1976, 1980-1982. The COCs for the site were solvents. A total of 2,858 drums were sent to Lorentz; the breakdown is:

108	Thinner
1325	Oil and Linseed Oil
243	Open top drums – no liquids
<u>1182</u>	Unknown liquids – probably oil but no verification
2858	LM Total Drums

Lockheed Martin Sunnyvale was a minority PRP because it was assessed less than 1% of the clean-up costs. Lockheed Martin Sunnyvale settled on a buyout basis of \$19.54/drum, for a total liability for the Lorentz site of \$55,845. This settlement was made in July 1995.

Colorado School of Mines Research Institute:

The Lockheed Martin Sunnyvale facility also participated in the EPA clean-up at the Colorado School of Mines Research Institute site in Golden, CO. Lockheed Martin Sunnyvale funded research at that site during the early 1970s and agreed to having left an amount of less than 100 lbs. of material at that site. This included some SOIs. As a de minimis party Lockheed Martin Sunnyvale was allocated and paid \$544 in clean-up costs.

Request 28:

*Provide all records of communications between Respondent and Bay Area Drum Company, Inc.; Meyers Drum Company; A.W. Sorich Bucket and Drum Company; Waymire Drum Company, Inc.; Waymire Drum and Barrel Company, Inc.; Bedini Barrels Inc.; Bedini Steel Drum Corp.; Bedini Drum; or any other person or entity that owned or operated the facility located at 1212 Thomas Avenue, in the City of San Francisco and Count of San Francisco, California.*

Response to 28:

Subject to the foregoing objections, all responsive documents are attached as Exhibit A.

Request 29:

*Identify the time periods regarding which Respondent does not have any records regarding the SOIs that were produced, purchased, used or stored at the Facilities.*

Response to 29:

No purchase records for SOIs exist for the relevant time period. LMSC routinely retained purchase order records for no more than six or seven years after their use.

**Request 30:**

*Provide copies of all documents containing information responsive to the previous twenty-nine questions and identify the questions to which each document is responsive.*

**Response to 30:**

Subject to the foregoing objections, all responsive documents are attached as Exhibits A through H and are referenced within each response as appropriate.

The foregoing is respectfully submitted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Corinne L. Bogert". The signature is written in dark ink and is positioned above the printed name.

Corinne L. Bogert  
Sr. Manager, Environment, Safety & Health